



## INTERIOR BOARD OF INDIAN APPEALS

Thomas D. Means; and Nellie One Feather-Red Owl  
v. Deputy Assistant Secretary - Indian Affairs (Operations)

13 IBIA 132 (03/06/1985)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

THOMAS D. MEANS,  
Appellant

v.

DEPUTY ASSISTANT SECRETARY--  
INDIAN AFFAIRS (OPERATIONS),  
Appellee

and

NELLIE ONE FEATHER-RED OWL,  
Appellant

v.

DEPUTY ASSISTANT SECRETARY--  
INDIAN AFFAIRS (OPERATIONS),  
Appellee

: Order Dismissing Appeals and  
: Remanding Cases to Bureau of  
: Indian Affairs

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: Docket No. IBIA 84-49-A

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: Docket No. IBIA 84-50-A

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: March 6, 1985

On September 4, 1984, the Board of Indian Appeals (Board) received notices of appeal from Thomas D. Means and Nellie One Feather-Red Owl (appellants). Appellants sought review of July 6, 1984, decisions of the Deputy Assistant Secretary--Indian Affairs (Operations) (appellee) which found that neither of them was eligible to apply for Sioux benefits pursuant to 25 U.S.C. § 474 (1982) and 25 CFR Part 125.

The Board received appellants' opening briefs on January 28 and 29, 1985. On February 28, 1985, the Board received appellee's response. The response stated that appellee was convinced by appellants' arguments that the original reasons for denying appellants' applications were erroneous. Consequently, appellee requests that the appeals be dismissed and remanded to him for determinations on the merits.

Appellee's motion is granted. Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the July 6, 1985, decisions in these cases are vacated, the appeals are dismissed without prejudice, and the cases are remanded to the Deputy Assistant Secretary--Indian Affairs (Operations) for further consideration.

//original signed

Bernard V. Parrette  
Chief Administrative Judge

//original signed

Jerry Muskrat  
Administrative Judge

//original signed

Anne Poindexter Lewis  
Administrative Judge